



## DIVISION OF PLANNING FREDERICK COUNTY, MARYLAND

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TO: Board of County Commissioners

FROM: Eric Soter, Director, Division of Planning

DATE: March 25, 2009

RE: Place of Assembly Workgroup and *Draft* Place of Assembly Text Amendment

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### **BACKGROUND**

The Board of County Commissioners (BOCC) has held several worksessions in regards to an overall text amendment to the Agricultural and Resource Conservation zoning districts.

As part of the text amendment and worksession process two Community Outreach Meetings were held with the general public. On October 20, 2008 the community outreach meeting focused on places of worship, civic community centers, civic service clubs, and the Institutional and Open Space Recreation floating zoning districts.

Approximately 200 people attended the meeting held on October 20<sup>th</sup> to discuss and provide input regarding places of worship, civic community centers and civic service clubs. Public comment and input was summarized as follows:

- Provide grandfathering provisions for those places of worship that are existing, those that are in process, as well as those that have purchased land
- Places of worship should be exempt from the proposed changes to the A and RC zoning districts
- Places of worship cannot afford the costs associated with receiving a special exception or floating zoning district approval
- Places of worship cannot afford the costs associated with purchasing land that is within or contiguous to a community growth boundary due to its higher value
- Additional regulations are unnecessary as large institutional uses desire high visibility locations which will most likely meet the proposed requirements
- The services provided by a place of worship are different and expanded beyond those that were provided in the past which requires a different type of facility and increased square footage
- 25,000 square feet is too restrictive as a maximum total floor area for all buildings
- Proposed changes will be duplicative and an unnecessary burden as other state and county requirements limit size of facilities and address water, septic, and traffic
- The services/benefits provided by a place of worship and their non-profit/not for profit status should be considered

Public comment also included support for regulations to address large institutional uses due to the increased parking, traffic, and daily trips to a site that is located in an area that is not intended or built for the increased level of activity.

Previous staff reports have outlined the several areas of concern with large institutional uses developed within the Agricultural and Resource Conservation zoning districts within the County.

As services and activities associated with a place of assembly are expanded, the need or desire for an expanded facility to provide those services becomes apparent. When the place of assembly is located in an area with an Agricultural land use designation or zoning, the expanded services and activities increase traffic and permit construction of a large facility which may not be compatible in scale, massing, and intensity to the surrounding properties or neighborhood. The result of this increased intensity may include negative impacts such as noise, significant traffic volumes, and consumption of large areas of land for parking, infrastructure, and related facilities.

As provided within the purpose and intent statement within the zoning ordinance, the Agricultural zoning district provides areas that are intended to preserve productive agricultural land and prevent urbanization in areas intended to serve rural needs. The Agricultural/Rural land use designation as provided within the Comprehensive Plan includes areas of active farmland, pasture land, cropland, and commercial forestry, as well as the rural environs associated with active agricultural activities.

Within this context review of place of assembly land uses requires consideration of the following factors:

- Places of assembly as addressed by the proposed changes act not only as traditional places of worship but also provide general public meeting space, recreational facilities, concert facilities, health care, as well as educational facilities
- The expanded services provided by a place of assembly increases the amount of traffic, hours of operation, and size of the facility in an area intended to meet rural needs
- The traditional historic place of worship serving a local population, with a smaller scale facility, at lower levels of traffic volume, with limited hours of operation does not have the same impact on transportation networks, surrounding properties and neighborhoods, or related environmental features including well, septic, and impervious surface runoff as compared to a place of assembly with expanded services and facilities serving a regional population
- Septic, well, building, and infrastructure requirements associated with a large institutional facility necessitate increased parcel size to provide for this type of development
- The current purpose and intent of the Ag zoning district and Agricultural/Rural land use designation do not support construction of large facilities of this type throughout rural areas, where the intent is to provide a zoning district and land use designation that furthers the continued expansion and preservation of Agricultural and Agricultural support land uses

- The zoning ordinance does not provide a cap on the number of large institutional facilities that may choose to locate in areas with Agricultural zoning or an Agricultural/Rural land use designation. Therefore careful review for siting of these facilities is necessary to maintain the purpose of these areas, mitigate or avoid negative impacts, and avoid traffic congestion to improve pedestrian and roadway safety
- Public comment regarding places of worship noted that current parking requirements for the use do not provide an adequate number of spaces. However, Staff would not recommend increasing the number. Parking requirements for places of worship within the zoning ordinance most likely reflect a requirement for a lower number of spaces than would typically be needed in an Agricultural area based on the use of alternate modes of transportation to supplement individual vehicles which encourages a reduction of impervious surface

It is recognized that places of assembly including places of worship, provide important community functions. However, the siting, location, and intensity of these types of development should be addressed in areas intended to provide for the continued availability of productive Agricultural land and Agricultural support activities.

Large-scale institutional development outside of population centers should be carefully reviewed and sited to provide for adequate safety and to mitigate or minimize adverse impacts on surrounding properties and neighborhoods. Placing these facilities in rural areas outside of population centers necessitates the user of the services to drive increased distances to access the services. Public transportation is centered in population centers and would not provide service to individual place of assembly sites. With a lack of alternate transportation options traffic will increase significantly in areas intended to meet rural needs. Public facilities including water, sewer, sidewalks, and public transportation are concentrated in population centers to provide the most benefit to the highest number of citizens as well as providing the most logical, safe, and cost effective extension of those services.

The proposed changes to place of assembly and large institutional facilities provide for the continued location of these land uses in the Agricultural zoning district and/or areas with an Agricultural/Rural land use designation. However, traffic, scale, and intensity impacts have been addressed through threshold requirements. The thresholds direct these land uses to transportation systems that have been identified to accommodate higher volumes of traffic and to areas adjacent to population centers to address the increased traffic, scale, and intensity impacts.

### **PLACE OF ASSEMBLY WORKGROUP**

Due to public concern about the impact the proposed text amendment changes would have on places of assembly, the BOCC at the November 13, 2008 worksession, decided to create a Place of Assembly workgroup. In addition, all amendments related to Place of Worship, Civic Service Club, and Civic Community Center were removed from the overall A and RC draft text amendment creating a separate Place of Assembly text amendment.

The BOCC appointed the Place of Assembly workgroup of 14 members consisting of representatives from place of worship, planning and development, and land use attorney communities. The intent of the workgroup was to discuss issues of concern in order to improve understanding, seek common ground, and build consensus.

The workgroup met on January 12, January 26, February 9, and February 23 to address the scope of work outlined by the Board which included discussion and consideration of the following topics:

- Maintaining the existing site plan process for houses of worship under a certain size or intensity of use;
- Discuss the appropriate measure to define “larger” houses of worship or places of assembly such as square footage, traffic trips, type of uses, and scale and intensity of use;
- Discuss the pros and cons of floating zones and special exceptions;
- Road standards;
- Proximity to population centers or growth areas; and,
- Grandfathering of existing uses.

The workgroup meeting over the four dates, reviewed and discussed the scope of work as outlined by the Board. Many of the same concerns identified during the October 20<sup>th</sup> Community Outreach Meeting were reiterated and several members discussed that these concerns were confirmed during discussion and evaluation of information during the course of the workgroup meetings. Resulting from these discussions the workgroup formulated recommendations for the Board’s consideration in regards to the proposed draft text amendment. The Workgroup took three votes on three separate items which resulted in the following overall recommendations:

- 1) The Workgroup voted unanimously to recommend against creation of the Institutional floating zoning district.
- 2) The Workgroup voted unanimously to recommend that if the Institutional floating zoning district were created, then the Place of Assembly land uses should be removed from the Institutional floating zone.
- 3) The majority of the Workgroup, with one dissenting vote, voted to present recommendations to the BOCC that exempt Places of Worship from any changes to the development review process and maintain the existing process.

Attached as Exhibit 1- Houses of Worship/Places of Assembly Work Group Recommendation, is the document containing the formal recommendations as created by the Workgroup outlining the specifics related to maintaining the existing development review process. In addition, the Workgroup has provided attachments consisting of supporting materials prepared by members of the workgroup for consideration during the meetings. These materials aided in evaluation of the proposed text amendment and in formulation of the recommendations.

Also attached to Exhibit -1, are documents prepared by Staff in response to the Workgroup prepared budgetary costs and entitlement schedule. The Staff response was prepared to reflect the difference between those costs associated with all development and those that would be directly related to the changes in development review processing as proposed within the text amendment. The budgetary costs and entitlement schedule reflects those costs that would be incurred by existing processes (site plan review and special exception) as well as those that would be incurred if the proposed text amendment were approved.

Many of the costs reflected in the budgetary costs prepared by the Workgroup are considered a baseline cost for development which would be incurred by all three processes (site plan review, special exception, floating zone). For these reasons, Staff attempted to provide information that breaks the costs associated with development into the three separate development processes for comparison. The comparison between those separate processes could then be evaluated to determine the increased cost associated with a development review processing change from special exception to floating zoning district or from site plan review to a floating zoning district.

Attached as Exhibit 2- Houses of Worship/Places of Assembly Work Group Recommendation, Report of the Minority, outlines the dissenting opinion and recommendations related to that opinion.

Attached as Exhibit 3- Place of Assembly *Draft* Text Amendment, outlines the current version of the text amendment containing the recommended changes to the Place of Assembly land uses that were originally contained within the Ag/RC text amendment and subsequently removed to create the Place of Assembly text amendment as a separate project.

### **EXHIBITS**

Exhibit 1- Houses of Worship/Place of Assembly Workgroup Recommendation

Exhibit 2- Houses of Worship/Places of Assembly Work Group Recommendation, Report of the Minority

Exhibit 3- Place of Assembly *Draft* Text Amendment